IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
Contempt NOTICE OF MOTION NO. 2206 OF 2003
IN
PAUPER PETITION NO. 11 OF 1997
IN
SUIT NO. 3299 OF 2003

Haji Ismail Haji Habib Musafirkhana Trust & Ors. .. Plaintiffs.

Versus

Mrs. Khan Unmatunnisa Mumtaj Ali & Ors. .. Defendants.

And

Mr. Gulab Chand Khan. ..Respondent.

Ms. Jahaara i/by R.V.Govilkar for the plaintiffs.

CORAM : S. J. VAZIFDAR, J.
DATED : 18TH NOVEMBER,2005.

P.C.:

1. By order dated 30th March, 1999 this court appointed a court receiver in respect of the suit property and directed the court receiver to appoint the defendant Nos. 4 to 37 as agents in respect of the rooms in their possession on payment of royalty to be fixed by the receiver. Defendant No. 6 was appointed as agent of the court receiver in respect of room No.3.

2. On the allegation that defendant No. 6 had committed a breach of the order of injunction of the terms of the agency agreement, the plaintiff has

sought an order against the defendant No. 6 in prayer (a) of this notice of motion. Defendant No. 6 has, however, expired. Prayer (a), therefore, does not survive.

3. The properties are meant, essentially, to house the persons proceedings on pilgrimage. The other defendants are not concerned with the room No.3.

4. In the circumstances, the notice of motion is made absolutes in terms of prayer clause (b). The court receiver shall appoint the plaintiffs' as his agent without security or royalty. The receiver shall, however, if any third party is found in possession, not dis-possess such third party without leave of this court.

.....